

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**NIKA MICHELLE MCCOY,  
Plaintiff,**

**v.**

**CHASE BANK USA, N.A.  
D/B/A CHASE  
Defendant.**

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**CIVIL ACTION NO. 3:14-cv-04008-P**

**JOINT PROPOSAL FOR CONTENTS OF SCHEDULING AND DISCOVERY ORDER**

TO THE HONORABLE JORGE A. SOLIS, UNITED STATES DISTRICT JUDGE:

As required by the Order Requiring Attorney Conference and Proposal for Contents of Scheduling and Discovery Order (Dkt. No. 7), Nika Michelle McCoy (the “Plaintiff”) and Chase Bank USA, N.A. (the “Defendant”) submit this Joint Proposal for Contents of Scheduling and Discovery Order as follows:

**I. STATUS REPORT**

James J. Manchee, counsel for the Plaintiff, and Kenneth A. Hill, counsel for the Defendant, met in person on December 15, 2014 to determine in good faith whether this case can be settled before additional expenses are incurred and to discuss the contents of this Joint Proposal. Prior to the conference, Mr. Manchee requested certain documents from the Defendant to review before making a settlement proposal for the Plaintiff. The Defendant is evaluating that proposal and will respond in the near future. At the conference, Mr. Manchee and Mr. Hill discussed the factual and legal issues of the case and possible settlement. The parties expect to continue exploring negotiations.

## **II. MEDIATION**

The parties do not believe that mediation is advisable at this time. All parties are represented by experienced counsel. There has been, and continues to be, open and amicable dialog between counsel concerning all aspects of this case. The parties do not believe that mediation would facilitate or enhance the chances of settlement at this time.

## **III. JOINT PROPOSAL FOR SCHEDULING AND DISCOVERY ORDER**

### **1. Proposed time limit to file motions for leave to join other parties and to amend the pleadings.**

April 6, 2015.

### **2. Proposed time limits to file various types of motions.**

The parties propose the following:

<b><u>Motion</u></b>	<b><u>Proposed Deadline</u></b>
motions to exclude or strike expert testimony or reports	October 21, 2015
dispositive motions	October 21, 2015
motions in limine	November 20, 2015

### **3. A proposed plan and schedule for discovery, including a time limit to complete discovery.**

The parties propose to exchange Rule 26(a)(1) initial disclosures by January 20, 2015 and that discovery be completed by October 21, 2015.

The parties propose that discovery should not be conducted in phases or focused on particular issues except to the extent limited by the Federal Rules of Civil Procedure and applicable case law. The parties propose that electronically stored information should be produced by printing (in hard copy or to a CD) the information in the format most commonly used by the producing party. The parties propose that no changes should be made to the limitations on discovery imposed under the Federal Rules of Civil Procedure or this Court's local

rules and that no other limitations should be imposed. The parties do not anticipate any unusual issues about claims of privilege or protection as trial-preparation materials, nor do the parties anticipate the need for any special procedures to assert those claims after production.

**4. A proposal for limitations, if any, to be place upon discovery.**

The parties propose that no changes be made to the limitations on discovery imposed under the Federal Rules of Civil Procedure or this Court's local rules and that no other limitations should be imposed.

**5. A proposed time limit to designate expert witnesses.**

The parties propose the following:

- a. deadline for Plaintiff to designate expert witnesses: July 19, 2015; and
- b. deadline for Defendants to designate expert witnesses: August 25, 2015.

**6. A proposed trial date, estimated number of days required for trial and whether a jury has demanded.**

The parties propose a trial date anytime available on the Court's calendar in February 2016 and estimate that trial will take three days. The Plaintiff has demanded a jury.

**7. A proposed date for commencing settlement negotiations.**

January 20, 2015.

**8. Whether the parties will consent to trial (jury or non-jury) before U.S. Magistrate David L. Horan.**

The parties will not consent to a trial before a U.S. Magistrate Judge.

**9. Whether the parties are considering mediation or arbitration to resolve this litigation and, if not, why not.**

As explained in Part II above, the parties do not believe that mediation would facilitate or enhance the chances of settlement at this time. The parties will not agree to arbitration due to the

additional expense and extremely limited appellate rights. All parties agree that this lawsuit should be resolved by trial in this Court if they are not able to reach a settlement.

**10. Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial, including the parties' positions on a consolidated discovery schedule.**

None at this time.

**11. Any other matters relevant to the status and disposition of this case.**

None at this time.

Respectfully submitted,

/s/ James J. Manchee

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